



**The School District of
Marlboro County**
Office of Technology Services

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August 23, 2004

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, D.C. 20554

RECEIVED & INSPECTED

AUG 23 2004

FCC - MAILROOM

Re: Request for Review
CC Docket No 02-6
Billed Entity Number: 127191
Billed Entity Name: Marlboro County School District
471 Application Number: 376637
486 Application Number: 250563
Funding Request Numbers: 1032380, 1033087, 1033166, 1033116, 1033144,
1033191, 1033210
Funding Year: 2003-2004

This letter is to request a review of an appeal filed on March 3, 2004 to the Universal Service Administrative Company. The Schools and Libraries Division denied the appeal in full.

Please find attached the original Letter of Appeal dated March 3, 2004 and the letter of response from USAC dated July 1, 2004.

Thank you for your consideration.

Deborah D. Wimberly
Executive Director of Technology and Communications
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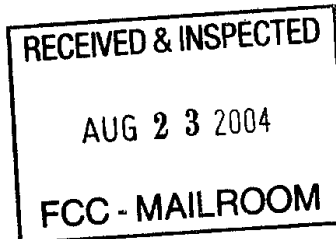


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

July 1, 2004

Deborah D. Wimberly
Marlboro County School District
P.O. Box 947
122 Broad Street
Bennettsville, SC 29512



Re: Billed Entity Number: 127191 *Name*
471 Application Number: 376637
486 Applications Number: 250563
Funding Request Number(s): 1032380, 1033087, 1033116, 1033144,
1033166, 1033191, 1033210
Your Correspondence Dated: March 3, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2003 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 1032380, 1033087, 1033116, 1033144, 1033166,
1033191, 1033210

Decision on Appeal: **Denied in full**
Explanation:

- You seek reversal of the SLD's decision to adjust the Service Start Date (SSD) and reduce the funding request commitment amounts for violating the Form 486 120-day deadline. In support of your request, you assert that you filed the original Form 486 on August 29, 2003, which was within the 120-day deadline. However, ten weeks later, you received a Form 486 Return Letter dated on November 6, 2003, stating "the certifications in Block 4, Items 11(a) - 11(c), of the FCC Form 486 submitted are all blank. For Funding Year 2001 and later Funding Years, Billed Entities must check at least one of the boxes labeled (a) through (e) in Item 11." You submitted a new Form

486 on November 11, 2003, with Item 11a checked. You also state that you received the Form 486 Notification Letter dated February 11, 2004, which was three months after you submitted the corrected Form 486. You request that the SSD be changed to July 1, 2003.

- Upon review of the appeal letter, the relevant facts, and supporting documentation, the SLD determined that you should have filed the Form 486 for these funding requests within 120-days calculated from the issuance date of the Funding Commitment Decision Letter or the Service Start Date as indicated on the Form 486, whichever is later. The original Form 486 was submitted postmarked on September 2, 2003. However, this form was returned by the SLD for failing to certify Items 11(a) - 11(e) in Block 4. The corrected Form 486 was postmarked on January 10, 2004; therefore, the SLD has used September 12, 2003 (120-days before the postmark date) as the service start date. As the original Form 486 submission failed to meet program procedures, and the corrected Form 486 was postmarked after the 120-day deadline, the appeal is denied. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.
- The date of your Funding Commitment Decision Letter (FCDL) for Form 471 application 376637 was June 30, 2003. The Service Start Date reported on your Form 486 was July 1, 2003. The postmark date of your Form 486 was January 10, 2004. Since your FCC Form 486 was postmarked more than 120 days after your Service Start Date or the date of your FCDL, whichever is later, the SLD has revised your Service Start Date to the date 120 days before your Form 486 postmark date and reduced your funding commitment amount based on the adjusted Service Start Date.
- The "Form 486 must be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later." Funding Commitment Decision Letter (Funding Year 2003: 07/01/2003 - 06/30/2004), Important Reminders & Deadlines; Schools and Libraries Universal Service, Receipt of Service Confirmation Form, OMB 3060-0853 (August 2003), Instructions at 6; Form 486 Filing Information, www.sl.universalservice.org/reference/8form486.asp. Since your Form 486 was postmarked after the 120-day filing requirement, the SLD has modified your service start date. The facts present in this appeal do not justify waiving the 120-day filing requirement. Consequently, your appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by